

TITLE 2: PUBLIC MORALS, SAFETY AND WELFARE

DIVISION 8: PROPERTY PROTECTION

Chapter 1: LAND.

Sections:

28.011 Posted Property.

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Any property may be posted against trespass in the manner provided in Section 28.011, subsection (a) hereof and thereby become "posted property" subject to the provisions of this chapter applicable to posted property, if such property be used, or be designed to be used, for any one or more of the following purposes:

(1) An oil well, oil field, tank farm, refinery, compressor plant, absorption plant, pipeline, pumping station, or reservoir, used for the extraction, treatment, handling, storage or transmission of oil, gas, gasoline, petroleum, or any product or products thereof;

(2) A gas plant, gas storage station, gas meter or regulator station, gas odorant station, gas pipeline, or appurtenances, or any other property used in the transmission or distribution of gas;

(3) A reservoir, dam, generating plant, receiving station, distributing station, transformer, transmission line, or any appurtenances, used for the storage of water for the generation of hydro-electric power, or for the generation of electricity by water or steam or by any other apparatus or method suitable for the generation of electricity, or for the handling, transmission, reception, or distribution of electric energy;

(4) The transmission of telegraphic or telephonic messages;

(5) A dam, reservoir, pumping plant, aqueduct, canal, tunnel, siphon, conduit, or any other structure, facility or conductor for storing, diverting, conserving, treating or conveying water for public use;

(6) The production, storage or manufacture of munitions, potash, soda ash, borax, cement, chemicals, dynamite, giant powder, gun powder or other explosives;

(7) A railroad bridge, railroad tunnel, railroad shops, railroad yard, or other railroad facility;

(8) A hanger or mechanical shop used in connection with the training of cadet flyers for the United States Government or any of the armed services thereof;

(9) Any use appurtenant to or incidental to any of the uses above described.

(a) **POSTED PROPERTY - MANNER OF POSTING.** Any property of a class or classes described in Section 28.011 of this chapter may be posted against trespass in the following manner:

(1) Any such property, if it be not enclosed within a fence and if it be of an area not exceeding one (1) acre, and if it have no lineal dimension exceeding one (1) mile, by posting "No Trespass" signs at each corner of the area so posted and at each entrance thereto;

(2) Any such property, if it be not enclosed within a fence and if it be of an area exceeding one (1) acre or if it contain any lineal dimension exceeding one (1) mile, by posting "No Trespass" signs along or near the exterior boundaries of the area so posted at intervals of not more than 600 feet and also at each corner thereof, and if such property have definite entrance or entrances thereto at each such entrance;

(3) Any such property, if it be enclosed within a fence and if it be of an area not exceeding one (1) acre and if it have no lineal dimension exceeding one (1) mile, by posting "No Trespass" signs at each corner of such fence at each entrance thereto;

(4) Any such property, if it be enclosed within a fence and if it be of an area exceeding one (1) acre or if it have any lineal dimension exceeding one (1) mile, by posting "No Trespass" signs on, or along the line of, such fence at intervals of not more than six hundred (600) feet and also at each corner thereof and at each entrance thereto;

(5) Any such property, if it consist of poles or towers or appurtenant structures for the suspension of wires or other conductors for conveying electricity or telegraphic or telephonic messages, by affixing upon two or more sides of such poles or towers "No Trespass" signs, but such posting shall render only the pole or tower or appurtenant structure "posted property."

(b) **DEFINITION OF WORDS AND PHRASES.** The following terms used in this article shall, unless the context clearly indicates otherwise, have the respective meanings herein set forth, namely:

(1) The term "No Trespass Sign" shall mean a substantial sign affixed not less than three (3) feet nor more than six (6) feet above the ground level at the place of posting, as specified in Section 28.011, subsection (a) of this chapter, which sign shall consist of wood, metal, or other substantial material, with a face of not less than one (1) square foot in area and upon which, in letters not less than two (2) inches in height either in black against a white background or white against a black background, appear the words "No Trespass."

(2) The term "posted property" means any property of a class specified in Section 28.011 of this chapter which shall have been posted in a manner provided in Section 28.011, subsection (a) of this chapter.

(3) The term "posted boundary" shall mean a line running from "No Trespass" sign to "No Trespass" sign and such line need not conform to the legal boundary or legal description of any lot, parcel or acreage of land, but only the area within the "posted boundary" shall constitute "posted property," except as otherwise provided in Section 28.011, subsections (a)(5) hereof.

(c) VIOLATION -- POSTED PROPERTY. It is unlawful and a misdemeanor to enter upon or go across any "posted property" without the written permission of the owner, tenant, or occupant in legal possession or control thereof. Every person who so enters upon such "posted property" without such written permission is guilty of a separate offense for each day during any portion of which he or she enters upon or goes across or remains upon such "posted property."

(d) VIOLATION - DESTROYING "NO TRESPASS" SIGNS. Every person is guilty of a misdemeanor who, without authority, tears down, defaces or destroys any "No Trespass" sign posted under the provisions of this chapter.

(e) EXEMPTIONS TO THE APPLICATION OF THIS CHAPTER. This article does not apply to any entry, in the course of duty, of any peace officer or other duly authorized public officer, nor does it apply to the lawful use of an established and existing right-of-way for public road purposes.

Adopted Ordinance 486 (1940); Amended Ordinance 487 (1940); Amended Ordinance 3096 (1986);